

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 7/21/2011

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BARBARA HANDSCHU, RALPH DiGIA, ALEX
McKEIVER, SHABA OM, CURTIS M. POWELL,
ABBIE HOFFMAN, MARK A. SEGAL, MICHAEL
ZUMOFF, KENNETH THOMAS, ROBERT RUSCH,
ANNETTE T. RUBENSTEIN, MICKEY SHERIDAN,
JOE SUCHER, STEVEN FISCHLER, HOWARD
BLATT, ELLIE BENZONI, on behalf of
themselves and all others similarly
situated,

71 Civ. 2203 (CSH)

ORDER

Plaintiffs,

-against-

SPECIAL SERVICES DIVISION, a/k/a
Bureau of Special Services; WILLIAM
H.T. SMITH; ARTHUR GRUBERT; MICHAEL
WILLIS; WILLIAM KNAPP; PATRICK
MURPHY; POLICE DEPARTMENT OF THE
CITY OF NEW YORK; JOHN V. LINDSAY;
and various unknown employees of the
Police Department acting as
undercover operators and informers,

Defendants.

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WHEREAS the District Court issued a Memorandum Opinion
and Order in the above-captioned case dated January 19,
2010, reported at 679 F.Supp.2d 488 ("Handschu X"), and

WHEREAS the District Court issued a Memorandum Opinion
and Order in the above-captioned case dated July 28, 2010
(filed August 2, 2010), reported at 2010 WL 2991414
("Handschu XI") and

WHEREAS the defendants in the above-captioned case (hereinafter collectively "the NYPD") filed a Notice of Appeal of Handschu X and Handschu XI to the United States Court of Appeals for the Second Circuit on or about August 27, 2010, which appeal has been assigned Second Circuit Docket No. 10-3485 ("the NYPD Appeal"); and

WHEREAS the plaintiff class and the NYPD agreed to the withdrawal of the NYPD appeal on the terms and conditions set forth in a Stipulation and Order entered on March 15, 2011; and

WHEREAS the NYPD appeal has been dismissed by the Second Circuit based upon the submission of the March 15, 2011 Stipulation and Order;

WHEREAS the March 15, 2011 Stipulation and Order, *inter alia*, provided that the District Court would modify its rulings in Handschu X and Handschu XI once jurisdiction was returned to the District Court upon the dismissal of the NYPD Appeal:

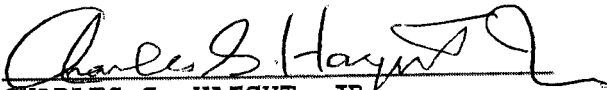
IT IS HEREBY ORDERED that:

1. The District Court's rulings in Handschu X and Handschu XI are hereby modified to: (i) vacate the finding that Plaintiff class was the prevailing party; (ii) vacate the finding that the Office of the Corporation Counsel engaged in sanctionable conduct; and (iii) vacate the

sanction imposed under the Court's inherent authority upon the Office of the Corporation Counsel. In all other respects, Handschu X and Handschu XI remain in full force and effect.

Dated: New York, New York
~~May~~ 18, 2011
July

SO ORDERED;


CHARLES S. HAIGHT, JR.
SENIOR UNITED STATES DISTRICT JUDGE